

ORDINANCE NO. 15406

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING CHAPTER 9, "DEFINITIONS" TO AMEND THE DEFINITIONS OF "ACCESSORY BUILDINGS" AND "GARAGE, PRIVATE" AND TO ADD A DEFINITION FOR "CARPORT/PORTE COCHERE"; TO AMEND SECTION 5.301 OF CHAPTER 5, ARTICLE 3, "SUPPLEMENTAL USE STANDARDS" TO ADD REGULATIONS FOR ACCESSORY BUILDINGS ON RESIDENTIAL LOTS; TO RENUMBER SECTIONS 5.301 THROUGH 5.305 OF CHAPTER 5, ARTICLE 3, "ACCESSORY USES"; TO AMEND CHAPTER 4, ARTICLE 7, "RESIDENTIAL DISTRICTS" TO ADD A REFERENCE TO THE SUPPLEMENTAL USE STANDARDS IN CHAPTER 5, ARTICLE 3 AND TO ADD A LIMITATION ON THE NUMBER OF GARAGES/CARPORTS IN RESIDENTIAL LOTS; TO AMEND SECTION 4.603, THE RESIDENTIAL DISTRICT USE TABLE AND SECTION 4.803, THE NONRESIDENTIAL DISTRICT USE TABLE TO AMEND AND ADD REFERENCES TO THE SUPPLEMENTAL STANDARDS AND TO INDICATE WHEN A SPECIAL EXCEPTION IS REQUIRED; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the current Zoning Ordinance does not limit the size of accessory buildings, provided the lot coverage is not greater than the total lot coverage permitted by the applicable zoning district;

**WHEREAS**, the citizens of Fort Worth have expressed concerns about the size, height, and location of accessory buildings used on residential lots in the City;

**WHEREAS**, it is advisable to adopt regulations that restrict accessory buildings in order to preserve neighborhood character;

**WHEREAS**, it is the intent of the following regulations to establish additional supplemental development standards and regulations that will address issues related to accessory buildings;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:**

## SECTION 1.

Chapter 9 of Ordinance No. 13896, the zoning ordinance of the City of Fort Worth, Section 9.101, "Defined Terms," is hereby amended by amending the definitions for "Accessory Building" and "Garage, Private" and to add a definition for "Carports and Porte Cochere" to read as follows:

**Accessory Building:** A subordinate building on the same premises with a principal building for exclusive use for accessory uses as defined in "Accessory Uses", including, but not limited to, private workshops and storage sheds located on residential lots.

**Carport/ Porte Cochere, Private:** An open-sided extension of the roof of the principal building, or an accessory open-sided detached building/structure on the same lot, used for the shelter or storage of occupant owned motor vehicles as an accessory use only.

**Garage, Private:** Space in a principal building, or an accessory building on the same lot, used for the shelter or storage of occupant owned motor vehicles as an accessory use only.

## SECTION 2.

Chapter 5, Article 3, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to amend Section 5.301 in its entirety by renaming it "Accessory Buildings on Residential Lots," and providing supplemental use standards and regulations for accessory buildings on all residential lots to read as follows:

### 5.301. Accessory Buildings on Residential Lots.

1. Accessory buildings, except private garages, private carports, or private portes cocheres, shall not exceed the maximum square footage for each residential zoning district as depicted in the following table:

Zoning District	Maximum Total Square Feet For Accessory Buildings
One -Family Restricted ("AR")	120 square feet
Zero Lot Line/Cluster ("R1")	120 square feet
Townhouse/Cluster ("R2")	120 square feet
Two-Family ("B")	120 square feet per residential unit
One-Family ("A-5")	200 square feet

One-Family ("A-7.5")	200 square feet
One-Family ("A-10")	400 square feet
One-Family ("A-21")	400 square feet
One Family ("A-43") and larger	2% of the total area of the lot

2. Private garages, private carports, and private portes cocheres shall not be included for the purpose of determining the allowable square footage of accessory buildings on a single residential lot.
3. Any accessory building added to an existing legal non-conforming one or two-family dwelling shall conform to the district standards applicable to the residential use.
4. The maximum square footage limits shown in Number 1. above shall be cumulative of all accessory buildings for each lot, excluding private garages, private carports, and private portes cocheres. The total area covered by all rooftops shall not exceed the maximum lot coverage for the district applicable to the residential use.
5. The square footage within an attic or loft shall be excluded from the calculation of maximum square footage of an accessory building or structure.
6. All accessory buildings, except private garages, private carports, and private portes cocheres, must be located behind the rear wall of the primary residential structure that is furthest from the street or at least 75 feet from the front property line, whichever is the least restrictive.
7. Accessory buildings shall comply with the side and rear setbacks for the primary structure of the zoning district applicable to the residential use as indicated in the Property Development Standards for that district.
8. Accessory buildings or structures shall be limited to one story, but may have an attic or loft, provided the attic or loft is not used as habitable space and does not contain heated or air conditioned floor space.
9. Accessory buildings, other than private garages, private carports, and private portes cocheres, shall be limited to a height of 8 feet. The height of the accessory building may be increased to a maximum height of twelve feet, provided that, for each additional one foot of height over eight feet, the accessory building is setback an additional two feet from the rear and side setback requirements of the district applicable to the residential use. The height of accessory buildings shall be measured from the ground to the highest point of the building.
10. Accessory buildings that are heated and/or air conditioned, contain a second floor or are used as a pool house shall be permitted as a special exception by the Board of Adjustment provided that:
  - a. The accessory building is not used as an separate independent residence;

- b. The combined lot coverage of the primary residential structure and the accessory building do not exceed the maximum lot coverage for the district that is applicable to the residential use; and
- c. There will not be a negative impact to the abutting properties.

### **SECTION 3.**

Chapter 5, Article 3, "Accessory Uses" of Ordinance No. 13896, the zoning ordinance of the City of Fort Worth, Sections 5.301 through 5.305 are hereby renumbered and renamed as follows:

- 5.301 Accessory Buildings on Residential Lots
- 5.302 Accessory Buildings in "AG" District
- 5.303 Accessory Uses in Unified Residential Developments
- 5.304 Satellite Antenna (Dish)
- 5.305 Fences
- 5.306 Storage or Display in Commercial Districts, Outdoor

### **SECTION 4.**

Chapter 4, Article 7, "Residential Districts" of Ordinance No. 13896, the zoning ordinance of the City of Fort Worth, Sections 4.700 through 4.709, are hereby amended to add a reference to accessory buildings and garages/carports by adding "Number 6. Accessory Buildings" and by adding Number 7. "Garage/Carport" in Subsection D, "Other Development Standards" in Sections 4.700 through 4.709 as follows:

#### **D. Other Development Standards**

- 6. Accessory Buildings.** See Section 5.301.
- 7. Garage/Carport.** No more than one garage and one carport or porte cochere shall be allowed per residential unit on a single residential lot.

### **SECTION 5.**

Chapter 4, Article 6, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4.603, "Residential District Use Table," is hereby amended by adding an asterisk to the permitted uses for the column headings "A-2.5A" through "R2" districts and to add a

reference in the “Supplemental Standards” column to Section 5.301 for “Accessory use or building” under “Accessory Uses.”

#### **SECTION 6.**

Chapter 4, Article 6, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4.603, “Residential District Use Table,” is hereby amended to change the reference in the Supplemental Standards column from Section 5.303 to Section 5.304 for “Satellite Antenna (dish)” under “Accessory Uses.”

#### **SECTION 7.**

Chapter 4, Article 6, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4.603, “Residential District Use Table,” is hereby amended to add the term “Accessory buildings with HVAC floor space and/or second floors, and pool houses” to the “Accessory Uses” section; to permit accessory buildings with HVAC floor space and/or second floors, and pool houses in the column headings “A-2.5A” through “R2” districts as a Special Exception; to add an asterisk to the permitted uses for the column headings “A-2.5A” through “R2” districts; and to add a reference in the “Supplemental Standards” column to Section 5.301 for “Accessory buildings with HVAC floor space and/or second floors, and pool houses” under “Accessory Uses.”

#### **SECTION 8.**

Chapter 4, Article 8, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4.803, “Nonresidential District Use Table”, is hereby amended by adding an asterisk to the permitted uses for the column headings “ER” through “PD” districts and to add a reference in the “Supplemental Standards” column to Section 5.301 for “Accessory use or building” under “Accessory Uses.”

## **SECTION 9.**

Chapter 4, Article 8, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4.803, "Nonresidential District Use Table," is hereby amended to change the reference in the Supplemental Standards column from Section 5.301 to Section 5.302 for "Accessory Use or Building" under "Accessory Uses."

## **SECTION 10.**

Chapter 4, Article 8, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4.803, "Nonresidential District Use Table," is hereby amended to change the reference in the Supplemental Standards column from Section 5.303 to Section 5.304 for "Satellite Antenna (dish)" under "Accessory Uses."

## **SECTION 11.**

Chapter 4, Article 8, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4.803, "Nonresidential District Use Table," is hereby amended to change the reference in the Supplemental Standards column from Section 5.305 to Section 5.306 for "Storage or Display, Outside" under "Accessory Uses."

## **SECTION 12.**

Chapter 4, Article 8, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4.803, "Nonresidential District Use Table", is hereby amended to add the term "Accessory buildings with HVAC floor space and/or second floors, and pool houses" to the "Accessory Uses" section; to permit accessory buildings with HVAC floor space and/or second floors, and pool houses in the column headings "ER" through "PD" districts as a Special Exception; to add an asterisk to the permitted uses for the column headings "ER" through "PD"

districts; and to add a reference in the “Supplemental Standards” column to Section 5.301 for “Accessory buildings with HVAC floor space and/or second floors, and pool houses” under “Accessory Uses.”

### **SECTION 13.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

### **SECTION 14.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

### **SECTION 15.**

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

#### SECTION 16.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinance No. 13896 which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.


#### SECTION 17.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

#### SECTION 18.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

  
Assistant City Attorney

ADOPTED: 1-14-03

EFFECTIVE: 1/30/03